

APPLICATION FOR PERMIT

Serial No. 13060

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office SEP 27 1949
 Returned to applicant for correction
 Corrected application filed

The undersigned F. M. & L. E. Schmidlein

Name of applicant

of Austin, County of Lander

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Big Smokey Creek

Name of stream, lake, or other source

2. The amount of water applied for is 2.80 second-feet.

One second-foot equals 40 miners' inches

3. The water to be used for Irrigation and domestic

Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T. 16 N., R. 44 E., M.D.B.&M., or at a point from which the NE Corner of Section 21, T. 16 N., R. 44 E. bears N. 49° 30' E., 9,083.43 feet.

Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is 280

(b) Description of land to be irrigated SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 16; SW $\frac{1}{4}$ NE $\frac{1}{4}$. Describe by legal subdivision, or if on unsurveyed land it shouldNE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T. 16 N., R. 44 E., M.D.B.&M. be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.(c) Use will begin about Jan. 1 and end about Dec. 31, of each year.
 Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Place of use Give location of place of use by legal subdivision

(f) Point of return of water to stream Describe in same manner as point of diversion

(g) State number and kinds of animals to be watered

(h) Use will begin about _____ and end about _____, of each year.
 Month Month

(i) Remarks The domestic use claimed above includes a stockwatering right for the entire year.

DESCRIPTION OF PROPOSED WORKS

A rock and earth dam constructed across the channel diverts the water State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water into what is known as the Bevis Ditch, and comingles the water with is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions water from Shoshone, Santa Fee and Frenchman Creeks.

5. Estimated cost of works \$5,000

6. Estimated time required to construct works Work completed.

7. Remarks The Big Smokey Creek is made up from the waters of Kingston
For use of applicant
Creek out of Kingston Canyon and Blakesly Creek out of Blakesly Canyon. This water was first used in 1883 and a vested right is claimed and not waived by the filing of this application.

F. M. & L. E. Schmidlein. , Applicant.

By s/L. E. Schmidlein

Compared AT LM

This sheet inspected

OVERRULED - See Ruling #1089 , Engineer.
Protested Jan. 9, 1950 by Morris, Gower and Ishmael.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: This permit is issued subject to all existing rights on the source. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times. The place of use under this permit for the NE 1/4 Section 21, T16N., R44E., MDB&M., is limited to 1.09 acres having existing rights as specified under the Kingston Creek Decree. The SW 1/4 NE 1/4 Section 21, T16N., R44E., MDB&M., is deleted from the place of use under this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.80 cubic feet per second, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before April 25, 1969

Proof of commencement of work shall be filed before May 25, 1969

Work must be prosecuted with reasonable diligence and be completed on or before April 25, 1970

Proof of completion of work shall be filed before May 25, 1970

Application of water to beneficial use shall be made on or before

April 25, 1973 . Proof of the application of water to beneficial

use must be filed with State Engineer on or before May 25, 1973

Map Filed SEP 27 1949 under 13058. PBU map must be filed on or before May 25, 1973

WITNESS MY HAND AND SEAL this 25th day

JUN 25 1970

of October

1968

CANCELLED

BECAUSE OF FAILURE

OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

STATE ENGINEER

State Engineer

Donald D. Wiegard